



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

April 20, 2005

CERTIFIED MAIL
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Port of Seattle
C/o Ms Kathy Bahnick
Pier 69
P.O. Box 1209
Seattle, WA 98111

Dear Ms. Bahnick:

Re: Certain SWMUs, AOCs and Other Areas at the Port of Seattle's Terminal 91 Facility (listed under the March 10, 1999 Voluntary Cleanup Program Application as **Terminal 91 Uplands**).

Thank you for submitting the results of your remedial action(s) over the past six years for review by the State of Washington Department of Ecology (Ecology). Within the Roth Consulting correspondence dated May 26, 2004 a request was made on behalf of the Port of Seattle (POS) for a written confirmation of "no further action" (NFA). Ecology cannot issue an NFA letter for this site at this time but provides this status letter in response.

Your request was made with respect to specific releases that were located within the area of the POS Terminal 91 facility not subject to the tank farm agreed order (AO) No. DE 98HW-N108. The POS Terminal 91 Upland Proposed Work Plan No. 1, received in June 2000, listed the primary objective of the site work as follows: "to assess the potential for impacts to surface water from the migration of groundwater that potentially has been affected by releases from the T91 upland." Ecology supports development of a site model that considers the impacts of both the "Terminal 91 Upland" and "Terminal 91 Tank Farm Site" areas, combined, on surface water (and any other media that may be impacted by contamination sourced in both areas).

To support the POS objective and Ecology's combined site model investigation goal, the POS has submitted information to address the individual areas identified by the RCRA Facility Assessment (RFA) in 1994 by the Environmental Protection Agency (EPA). Additional investigational work is being conducted or planned at this time that is not addressed within this letter. As you know, Ecology anticipates developing an Agreed Order in the near future that would include cleanup/corrective action of both the Upland areas and the Tank Farm Area. As a part of that Agreed Order, Ecology plans to include

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Office of Air, Waste & Toxics

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the information set forth in this letter, but wanted in the meantime to issue this status letter in response to your May, 2004 request.

Ecology's Hazardous Waste and Toxic Reduction (HWTR) Program has reviewed the following information regarding the POS Terminal 91 Upland site, located at 2001 W. Garfield Street, Seattle WA 98119¹:

1. U.S. Environmental Protection Agency. 1994. *Port of Seattle/Burlington Environmental Inc. Terminal 91 Facility, Final Resource Conservation and Recovery Act Facility Assessment*. November 4, 1994.
2. Kennedy/Jenks Consultants. 1996. *Letter to Port of Seattle re Update on SWMUs and AOCs at Terminal 91, Port of Seattle*. April 12, 1996.
3. Washington Department of Ecology. 1996. *Letter to Port of Seattle re Corrective Action for the Remainder of Terminal 91 Facility*. July 3, 1996.
4. Kennedy/Jenks Consultants. 1997. *Terminal 91 Baseline Report, Terminal 91, Seattle, Washington*. Prepared for Port of Seattle. April 3, 1997.
5. Roth, Susan J. 1997. *Letter to Washington Department of Ecology re Transmittal of Terminal 91 Baseline Report*. April 3, 1997.
6. Washington Department of Ecology. 1998. *Letter to Port of Seattle re Independent Remedial Action Report for the Port of Seattle Terminal 91 Facility*. June 26, 1998.
7. Roth Consulting. 1998a. *Letter to Washington Department of Ecology re Transmittal of Documents, Terminal 91 Upland Project*. October 16, 1998.
8. Roth Consulting. 1998b. *Proposed Additional Work, Terminal 91 Upland Independent Cleanup, Port of Seattle*. Prepared for Port of Seattle. December 10, 1998.
9. Port of Seattle. 1999. *Letter to Washington Department of Ecology re Submittal of VCP Application and Clarification of 2/9/99 Meeting Minutes, Terminal 91 Upland Independent Cleanup*. March 10, 1999.
10. Roth Consulting. 2004. *Letter to Washington Department of Ecology re Request of Letter Confirming No Further Action*. May 26, 2004.
11. Roth Consulting. 1999-2004. *Semiannual Status Reports for the POS Terminal 91 Independent Cleanup (VCP program application Dated March 10, 1999) from September 10, 1999 through September 9, 2004*.

Group I - Previous Determination

Ecology reviewed the 1997 Baseline Report and responded to the Port in a letter dated June 26, 1998 (Ecology 1998). Ecology is confirming the determinations made at that time with this letter, and anticipates including the same in the future facility-wide Agreed Order. Within the June 26, 1998 letter, Ecology stated that no further action would be required at the following SWMUs and AOCs:

¹ The documents listed will be kept in the Central Files of Ecology's Northwest Regional Office (NWRO) for review by appointment only. Appointments can be made by calling Sally Perkins at the NWRO at (425) 649-7190 or -7239

- SWMU 31—Liquid Hydrocarbon Recovery System
- SWMU 32—Oil Blending Station
- SWMU 34—Waste Refrigeration Oil Tank
- SWMU 35—Storage Area Outside Building W-47
- SWMU 36—Storage Inside Building W-47
- SWMU 37—Car Wash Station
- SWMU 38—Paint and Motor Oil Waste Building C-154
- SWMU 39—Paint Filter Waste Storage Areas
- SWMU 41—Waste Stored Beneath Viaduct
- SWMU 42—Drums Storage near Lake Jacobs
- SWMU 43—Berth Stations and Valve Vaults
- SWMU 44—Waste Oil Storage Shed
- AOC 3—Old Berth Pipelines
- AOC 4—Leaking Motor
- AOC 5—PCB Transformer Pad
- AOC 16—Inactive Transformer

On September 17, 1998, Ecology and the PLP group met to discuss the status of specific "Problem Areas," (the SWMUs and pipeline break identified below). Ecology is confirming determinations made during that meeting with this letter and anticipates including the same in the facility-wide Agreed Order. At the meeting, Ecology agreed that it would not require further action at the following locations:

- SWMU 33—Solid Waste Yard
- SWMU 46—Two Storm Drains at Center of Terminal 91
- SWMU 47—Abandoned Oil/Water Separator
- SWMU 48—Transfer Piping
- 1991 PNO Pipeline Break at Sound End of Pier 91

At the September 17, 1998, meeting a determination was also made about SWMU 40 (the "Short Fill"). Ecology required verification that the work required by the short fill permit was completed. At that time the Port was in the process of contacting Ecology personnel familiar with the Short Fill project in order to provide this verification.

Unfortunately, neither the POS nor Ecology has been able to verify that this work was completed. The staff person working on the project at the time for Ecology's Shoreline Program has since retired, and the documents contained in the files are incomplete. Therefore, although Ecology is not presently requiring any further work at this area, a

final RCRA/MTCA determination² cannot be made until a suitably protective restrictive covenant takes effect and the facility-wide Agreed Order is completed. That is, the Short Fill will need to be included in a restrictive covenant established as part of the Corrective Action Plan (CAP), and at that time the determination will be finalized.

Group II – Locations to be handled under the Agreed Order Investigation

The following areas will require future investigation work. Ecology anticipates addressing those needs in the facility-wide Agreed Order to be developed in the near future:

- AOC 2 (Tanks L, N, O, and T)
- AOC 8—Storm Drain Contaminated Soil
- AOC 10—Triangular Area Hit
- 1987 and 1989 City Ice Facility Expansion
- 1995 PNO Pipeline Alignment.
- SWMUs 1 through 29, AOC 1, and AOCs 12 through 15 (always considered to be within the Tank Farm AO area)

Group III –Additional Document Review

Ecology reviewed information sent to the Department in November 1998 by the POS. We are confirming Ecology's determinations that the following locations do not present a threat to public health or the environment at this time. We anticipate including provisions to that effect in the facility-wide Agreed Order to be developed in the near future.

- SWMU 45—Storm Drain at North End of T91
- AOC 2—Tank J Oil/Water Separator
- AOC 2—Tanks T91-H, I, K, M, and Z
- 1994 Transformer Pad
- 1994 DAS Building Site Investigation.

This letter does not apply to areas of the facility where the investigation, and potential remediation, has yet to be carried out. These include:

- SWMU 40—Short Fill. See above.
- 1990 PNO Pipeline Break South of Building T-38, Pier 91. Ecology anticipates a restrictive covenant will be necessary and expects to address this area in the future, facility-wide Agreed Order. The covenant is required to note that soils with contaminant levels above MTCA Method A Cleanup levels have been left in place (under a valve box, due to inaccessibility). Ecology expects the covenant to be established as part of the CAP (unless prior to that time the POS

² This determination does not relieve the POS of any liability associated with any other Ecology program or other government agency that has jurisdiction over this area identified in the "Terminal 91 Short Fill Monitoring Program" Final Project Report October 20, 1992.

removes the contained soil).

- SWMU 30—Pipeline Break
- AOC 2—Tanks A-G
- AOC 6--Hydrocarbon Contamination, Building 40
- AOC 7—Concrete Aprons/1991 Soil Investigation for Pier 90 Chill Facility
- AOC 9—Contaminated Soil Northwest Corner of Pier 91
- AOC 11—Old Tank Farm
- 1994 DAS Utility Trench Investigation
- 1996 PNO Pipeline Alignment Soil Remediation, Pier 90
- 1996 PNO Pipeline Break, Pier 91.

Thank you for your submittal. If you have any questions or comments, or would like to schedule a meeting to resolve any issues associated with this determination, please contact me at the Department of Ecology Northwest Regional Office by phone at (425) 649-7280 or by email at gtri461@ecy.wa.gov. I look forward to working with you on the permit renewal and development of the facility-wide Agreed Order.

Sincerely,



Galen H. Tritt

Hazardous Waste and Toxics Reduction Program

GHT:ct:sd

cc: Susan Roth, Roth Consulting
Julie Sellick, Ecology-NWRO
Ed Jones, Ecology-NWRO
Greg Caron, Ecology-CRO
Sharonne O'Shea, AG-Olympia
Jan Palumbo, EPA Region 10
HZW file 6.2 and file 6.6.5